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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE
 ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

*In re Google Play Consumer Antitrust
 Litigation*, Case No. 3:20-cv-05761-JD

State of Utah et al. v. Google LLC et al.,
 Case No. 3:21-cv-05227-JD

Case No. 3:21-md-02981-JD

**DEFENDANTS' ADMINISTRATIVE
 MOTION TO CONSIDER WHETHER
 ANOTHER PARTY'S MATERIALS
 SHOULD BE SEALED RELATING TO
 DEFENDANTS' MOTION FOR LEAVE**

Judge: Hon. James Donato

DEFENDANTS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIALS
 SHOULD BE SEALED RELATING TO DEFENDANTS' MOTION FOR LEAVE

Case Nos. 3:21-md-02981-JD; 3:20-cv-05761-JD; 3:21-cv-05227-JD

Pursuant to Civil Local Rules 7-11 and 79-5(c-f), Defendants Google LLC, Google Ireland Limited, Google Commerce Ltd., Google Asia Pacific Pte. Ltd., and Google Payment Corp. (collectively, “Google”) respectfully submit this Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed Relating to Google’s Motion for Leave to File Supplemental Brief In Support of Google’s Motion to Exclude the Merits Opinions of Dr. Hal Singer (MDL Dkt. 487). The excerpts at issue in this Motion to Seal are sourced from documents that are designated as “NON-PARTY HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY” pursuant to the Protective Order entered by the Court, ECF No. 248. A redacted version of the exhibits to Google’s Motion for Leave to File Supplemental Brief In Support of Google’s Motion to Exclude the Merits Opinions of Dr. Hal Singer have been filed in accordance with the Local Rules.

Subsection (f) of Civil Local Rule 79-5 sets forth procedures that apply when a party seeks to file information designated as confidential by another party. Under subsection (e), the “motion must identify each document or portions thereof for which sealing is sought” and “serve the motion on the Designating Party the same day the motion is filed.” Pursuant to subsection (f)(1), the Designating Party has seven days to “file a statement and/or declaration” to establish why such designated material should be kept under seal pursuant to subsection (c)(1) of Civil Local Rule 79-5.

Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party establishes that the documents are privileged, protectable as a trade secret, or otherwise entitled to protection under the law. A “strong presumption” of access to judicial records applies to dispositive pleadings, and a party seeking to seal those records must show “compelling reasons.” *Primus Grp., Inc. v. Inst. for Env’t Health, Inc.*, 395 F. Supp. 3d 1243, 1267 (N.D. Cal. 2019) (citations omitted). Compelling reasons justifying the sealing of court records generally exist “when such court files might have become a vehicle for improper purposes, such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)

(internal quotation marks omitted). However, “[t]he mere fact that the production of records may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will not, without more, compel the court to seal its records.” *Id.*

Google identifies the following portions of its Motion for Leave to File Supplemental Brief In Support of Google’s Motion to Exclude the Merits Opinions of Dr. Hal Singer and supporting papers as containing information designated as confidential by another party:

Document	Portion Containing Designated Information	Designating Party
Exhibit C	Page 3, Paragraph 4 (between "data produced for" and ", since the beginning"; between "(August 16, 2016)," and "expenditures").	Consumer Plaintiffs
Exhibit C	Page 3, Note 5 (word before “transaction data”)	Consumer Plaintiffs
Exhibit C	Page 4, Paragraph 4 (between "Market came to" and "all of which"; between "were in the" and "category.").	Consumer Plaintiffs
Exhibit C	Page 4, Table 1 (Table 1 caption between "Damages" and end of line; all data in the "Category" column above "Total": all data below the "Expenditures" column, all data below the "Damages" column; text in "Notes & Sources" between "GOOG-PLAY-007335781" and "transaction"; between "'Damages_" and "_App_In-App").	Consumer Plaintiffs
Exhibit C	Page 4, Paragraph 5 (between "Aftermarket," and "had expenditures"; between "totaling" and "in the"; between "in the" and "category."; between beginning of sentence and "also had In-App"; between "totaling" and "in the"; between "in the" and "category.").	Consumer Plaintiffs

Document	Portion Containing Designated Information	Designating Party
Exhibit C	Page 4, Note 6 (between "These games were" and "for a total of"; between "for a total of" and end of sentence).	Consumer Plaintiffs; Non-Party ¹
Exhibit C	Page 4, Note 8 (between "Includes" and "transactions"; between "listed twice in" and "Excel file"; between "purchase of the" and "category"; between "category in the" and end of sentence; between Gem Pack 2" and "in the"; between "in the" and "game".).	Consumer Plaintiffs; Non-Party
Exhibit C	Page 4, Note 10 (between "four payments of" and "each for"; between "each for" and "a subscription"; between "through the App" and end of sentence).	Consumer Plaintiffs; Non-Party
Exhibit C	Page 4, Note 11 (between "overcharge for" and "in the In-App").	Consumer Plaintiffs
Exhibit C	Page 5, Paragraph 6 (between "Table 1 above," and "total A/In-App"; between "damages come to" and end of sentence; between "range from to" and "to"; from "to" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 5, Paragraph 7 (between "assumption," and "total App/In-App"; between "damages come to" and "and App/In-App"; between "range from" and "to"; between "to" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 5, Paragraph 8 (between "Table 1 above," and "total expenditures"; between "came to" and end of sentence; between "Accordingly" and "damages under"; between "Model come to" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 5, Paragraph 9 (between "range from to" and "to"; between "to" and end of sentence).	Consumer Plaintiffs

¹ Identifying the designating parties, in the case of non-parties, would itself reveal the specific confidential information the non-party may seek to seal pursuant to Local Rule 79-5(f), so the identities of certain designating non-parties has not been included in this filing.

Document	Portion Containing Designated Information	Designating Party
Exhibit C	Page 5, Paragraph 11 (between "Table 2 below," and "expenditures"; between "in the" and "category"; between "came to" and end of sentence; between "7.2 percent, or" and "expenditures"; between "in the" and "category"; between "came to" and end of sentence; between "6.5 percent, or" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 6, Table 2 (Table 2 caption between "Damages" and end of line; all data in the "Category" column above "Total": all data below the "Expenditures" column, all data below the "Damages" column; text in "Notes & Sources" between "Damages.xlsx;" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 6, Paragraph 12 (between "Table 2 above," and "total"; between "damages come to" and end of sentence; between "range from to" and "to"; between "to" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 6, Paragraph 13 (between "Under this assumption," and "total"; between "damages come to" and ", and Single"; between "range from" and "to"; between "to" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 6, Paragraph 16 (between "Table 3 below," and "expenditures"; between "came to" and end of sentence; between "7.1 percent, or" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 6, Note 26 (between "'Damages_" and "_Hybrid").").	Consumer Plaintiffs
Exhibit C	Page 6, Paragraph 17 (between beginning of sentence and "expenditures"; between "in the" and "category"; between "came to" and end of sentence; between "7.0 percent, or" and end of sentence).	Consumer Plaintiffs

Document	Portion Containing Designated Information	Designating Party
Exhibit C	Page 7, Table 3 (Table 3 caption between "Damages" and end of line; all data in the "Category" column above "Total": all data below the "Expenditures" column, all data below the "Damages" column; text in "Notes & Sources" between "'Damages.xlsx;" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 7, Paragraph 18 (between "Table 3 above," and "total"; between "range from to" and "to"; between "to" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 7, Paragraph 19 (between "Under this assumption," and "total"; between "damages come to" and "and Hybrid"; between "range from" and "to"; between "to" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 7, Paragraph 20 (between "Table 1 above," and "total"; between "Accordingly," and "damages"; between "come to" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 7, Paragraph 21 (between "range from to" and "to"; between "to" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 7, Note 29 (between "Damages.xls;" and end of sentence).	Consumer Plaintiffs
Exhibit C	Page 7, Note 33 (between "discounts of" and "percent").	Amazon
Exhibit C	Page 8, Table 4 (all data in columns under first row and above "Notes and Sources").	Consumer Plaintiffs
Exhibit D	Page 3, paragraph 4(h) (between "one plaintiff" and "was a member", and between "plaintiff" and "confirming").	Consumer Plaintiffs
Exhibit D	Page 5, paragraph 7 (between "plaintiff" and "purchased", between "of the" and "app", between "plaintiff" and "and", between "of the" and "app", and between "plaintiff" and end of paragraph).	Consumer Plaintiffs; Non-Parties

Document	Portion Containing Designated Information	Designating Party
Exhibit D	Page 5-6, paragraph 8 (between “plaintiff” and “purchased”, between “SKU” and “of”, between “of” and “on August”, and between “plaintiff” and “The data”).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 5, paragraph 8, footnote 5 (between “only” and “out of”, between “out of” and “SKUs”, between “distributed by” and “purchased”, between “plaintiff” and “and”, between “and” and “SKU”, and between “from the” and “app”, between “plaintiff” and “would be”).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 6, paragraph 9 (between “plaintiff” and “purchased”, between “lead” and “to charge”, between “Plaintiff” and “paid”, and between “for the” and “subscription”).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 7, paragraph 11, footnote 10 (between “although” and “subscription”, between “Play,” and “priced”, between “whether” and “See”, between “billing-system” and “See”, and between “evidence from” and “is not consistent”).	Match Group Plaintiffs
Exhibit D	Page 8, Figure 1 (the names after “by Plaintiff” in the title of each graph, and the words after “Product ID=”, in the title of each graph).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 9, paragraph 12 (between “example,” and “charge”, between “for a” and “subscription”, between “plaintiff” and “purchased”, between “the” and “app”, between “app” and “charges”, between “plaintiff” and “purchased”, between “for why” and “and”, between “such as” and “or”, and between “or” and “suffered”).	Consumer Plaintiffs; Non-Parties
Exhibit D	Page 10, paragraph 14 (between “app category” and “the app category’s”).	Consumer Plaintiffs
Exhibit D	Page 11, paragraph 15 (between “plaintiff” and “purchase”, between “of a” and “subscription”, between “plaintiff” and “purchase”, and between “of a” and “subscription”).	Consumer Plaintiffs; Non-Parties

Document	Portion Containing Designated Information	Designating Party
Exhibit D	Page 11-12, paragraph 16 (between “that for” and “of the”, between “of the” and “transactions”, between “for plaintiff” and “purchases”, between “the SKU” and “on July 1, 2021”, between “to be” and “but the”, between “was only” and “of the”, between “of the” and “price”, between “plaintiff” and “purchase”, between “of the SKU” and “on July”, between “to be” and “but”, between “only” and “or”, between “or” and “of the”, and between “of the” and “price”).	Consumer Plaintiffs; Non-Parties
Exhibit D	Page 11, footnote 16 (between “plaintiff” and “transactions”)	Consumer Plaintiffs; Non-Party
Exhibit D	Page 11, footnote 17 (between “plaintiff” and “transactions”)	Consumer Plaintiffs; Non-Party
Exhibit D	Page 12, paragraph 17 (between “app categories” and “Data”).	Consumer Plaintiffs
Exhibit D	Page 25, paragraph 20 (between “paid for” and “of the”, between “of the” and “transactions”, between “About”, and “of these” and between “of these” and “transactions”).	Consumer Plaintiffs
Exhibit D	Page 16 (the name below “Individual Plaintiff Overcharge Damages”)	Consumer Plaintiffs
Exhibit D	Page 16, paragraph 22 (between “plaintiff” and “sustained”, between “damages of” and “and”, between “and” and “based”, and between “plaintiff” and “suffered”).	Consumer Plaintiffs
Exhibit D	Page 17, paragraph 23 (between “plaintiff” and “engaged in”, between “engaged in” and “transactions”, between “involving” and “SKUs”, between “Of those” and “SKUs”, and between “SKUs” and “were”).	Consumer Plaintiffs
Exhibit D	Page 17, paragraph 24 (between “Additionally,” and “of”, and between “plaintiff” and “transactions”).	Consumer Plaintiffs

Document	Portion Containing Designated Information	Designating Party
Exhibit D	Page 17, paragraph 25 (between “for” and “of plaintiff”, and between “plaintiff” and “transactions”).	Consumer Plaintiffs
Exhibit D	Page 17, the name before paragraph 26.	Consumer Plaintiffs
Exhibit D	Page 17, paragraph 26 (between “plaintiff” and “sustained”, between “damages of” and “and”, between “and” and “based”, and between “plaintiff” and “suffered”).	Consumer Plaintiffs
Exhibit D	Page 18, paragraph 27 (between “plaintiff” and “engaged in”, between “in” and “transactions”, between “involving” and “SKUs”, and between “SKUs,” and “were”).	Consumer Plaintiffs
Exhibit D	Page 18, paragraph 28 (between “Plaintiff” and “purchased”, between “subscription in” and “apps”, between “apps –” and “- at the”, and between “of these” and “apps”).	Consumer Plaintiffs; Non-Parties
Exhibit D	Page 18, paragraph 29 (between “Additionally,” and “of”, and between “of plaintiff” and “transactions”).	Consumer Plaintiffs
Exhibit D	Page 18, paragraph 30 (between “for” and “of”, and between “plaintiff” and “transactions”).	Consumer Plaintiffs
Exhibit D	Page 18, footnote 30, between “May 2023,” and “redirects”, between “to the” and “website”, and between “plaintiff” and “and the”).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 19, the name before paragraph 31.	Consumer Plaintiffs
Exhibit D	Page 19, paragraph 31 (between “plaintiff” and “sustained”, between “damages of” and “and”, between “and” and “based”, and between “plaintiff” and “suffered”).	Consumer Plaintiffs
Exhibit D	Page 19, paragraph 32 (between “plaintiff” and “engaged”, between “engaged in” and “transactions”, between “involving” and “SKUs”, and between “Of those” and “SKUs”, between “SKUs” and “were”).	Consumer Plaintiffs

Document	Portion Containing Designated Information	Designating Party
Exhibit D	Page 19, paragraph 33 (between “Plaintiff” and “purchased”, between “subscriptions in” and “and a”, between “in the” and “app”).	Consumer Plaintiffs; Non-Parties
Exhibit D	Page 19, paragraph 34 (between “plaintiff” and “transactions”)	Consumer Plaintiffs
Exhibit D	Page 20, paragraph 35 (between “plaintiff” and “transactions”, and between “with the” and “app”).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 20, the name before paragraph 36.	Consumer Plaintiffs
Exhibit D	Page 20, paragraph 36 (between “plaintiff” and “sustained”, between “damages of” and “and”, and between “and” and “based”).	Consumer Plaintiffs
Exhibit D	Page 20, paragraph 37 (between “plaintiff” and “engaged in”, between “engaged in” and “transactions”, between “involving” AND “SKUs”, between “SKUs,” and “were”, between “for” and “of those”, between “exceptions are” and “SKUs”, and between “by” and end of paragraph).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 20, paragraph 38 (between “Plaintiff” and “purchased”, between “in the” and “app”, and between “of the” and “app”).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 21, paragraph 39 (between “Additionally”, and “of plaintiff”, and between “of plaintiff” and “transactions”).	Consumer Plaintiffs
Exhibit D	Page 21, paragraph 40 (between “for” and “of”, between “plaintiff” and “transactions”, and between “and” and “of the”).	Consumer Plaintiffs
Exhibit D	Page 21, paragraph 41 (between “plaintiff” and “sustained”, between “damages of” and “and”, between “and” and “based”, and between “plaintiff” and “suffered”).	Consumer Plaintiffs

Document	Portion Containing Designated Information	Designating Party
Exhibit D	Page 21, paragraph 42 (between “plaintiff” and “engaged in”, between “engaged in” and “transactions”, and between “involving” and “SKUs”).	Consumer Plaintiffs
Exhibit D	Page 22, paragraph 43 (between “Plaintiff” and “purchased” and between “in the” and “app”).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 22, paragraph 44 (between “plaintiff” and “transactions”).	Consumer Plaintiffs
Exhibit D	Page 22, paragraph 45 (between “for” of “of plaintiff”, between “of plaintiff” and “transactions” and between “with the” and “app”).	Consumer Plaintiffs; Non-Party
Exhibit D	Page 22, the name before paragraph 46.	Consumer Plaintiffs
Exhibit D	Page 22, paragraph 46, between “plaintiff” and “sustained”, between “damages of” and “and”, between “and” and “based”, and between “plaintiff” and “suffered”).	Consumer Plaintiffs
Exhibit D	Page 22, paragraph 47 (between “plaintiff” and “engaged”, between “engaged in” and “transactions”, between “involving” and “SKUs”, and between “SKUs” and “were”).	Consumer Plaintiffs
Exhibit D	Page 23, paragraph 48 (between “Plaintiff” and “purchased”, and between “in” and “apps”, between “apps –“ and “- at”).	Consumer Plaintiffs; Non-Parties
Exhibit D	Page 23, paragraph 49 (between “Additionally” and “of” and between “plaintiff” and “transactions”).	Consumer Plaintiffs
Exhibit D	Page 23, paragraph 50, between “for” and “of”, between “plaintiff” and “transactions”. And between “and” and “of the”).	Consumer Plaintiffs
Exhibit D	Page 24, paragraph 53 (between “Plaintiff” and “was not”, between “plaintiff” and “purchases”, and between “plaintiff” and “would have”).	Consumer Plaintiffs

Document	Portion Containing Designated Information	Designating Party
Exhibit D	Page 25, paragraph 55 (between "plaintiff" and "was not").	Consumer Plaintiffs
Exhibit D	Page 278-285 (entire chart below header, except column containing row number).	Consumer Plaintiffs; Non-Parties
Exhibit E	Page 5 Table 1 (all data in column below "Plaintiff" and above "Average"; all data in column below "Expenditures"; all data in column below "Category-Level Damages"; all data in column below "Developer/Transaction Level Damages").	Consumer Plaintiffs
Exhibit E	Page 5 Table 2 (all data in column below "Plaintiff" and above "Average"; all data in column below "Expenditures"; all data in column below "Category-Level Damages"; all data in column below "Developer/Transaction Level Damages").	Consumer Plaintiffs
Exhibit E	Page 6 Table 3 (all data in column below "Plaintiff" and above "Average"; all data in column below "Expenditures"; all data in column below "Category-Level Damages"; all data in column below "Developer/Transaction Level Damages").	Consumer Plaintiffs
Exhibit E	Page 6, Paragraph 14 (between "payments by" and "for a specific"; between "SKU for the" and "in July"; between "Because" and "was priced at"; between "was priced at" and "per month"; between "came to" and "in each of"; between "and because" and "is less than"; between "is less than" and "he concludes that"; between "he concludes that" and "was overcharged").	Consumer Plaintiffs; Non-Party

Document	Portion Containing Designated Information	Designating Party
Exhibit E	Page 6, Paragraph 15 (between "(when" and "first subscribed"; between "when" and "remained"; between "service fees of" and end of sentence; between "duration of" and six-month" between "come to [" and "x 4 months]"; between "x 4 months] +)" and "x 2 months]"; between "x 2 months] =" and end of sentence; between "which come to" and end of sentence; between "calculations show that" and "overcharges"; between "service fees for" and "purchases";	Consumer Plaintiffs
Exhibit F	Enter chart below headers, except for column containing row number.	Consumer Plaintiffs; Non-Parties

1 Dated: July 26, 2023

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